



MINUTES OF A REGULAR MEETING

OKLAHOMA FUNERAL BOARD

3700 N. Classen, Suite 175
Oklahoma City, Oklahoma 73118

February 13, 2020

BOARD MEMBERS

Tom Coble
J. Cooper
Joe Highberger
Cindy Longanacre
Jim Roberts

STAFF

Chris Ferguson
Martha Kulmacz, AAG
Thomas Schneider, AAG
Karol Shepherd
Tyler Stiles

Meeting Location: **Office of Chief Medical Examiner –OKC**
921 N.E. 23rd Street Conference Room – 1st Floor
Oklahoma City, OK 73105.

A copy of this notice of meeting and agenda has been posted in a prominent location at the office of the Oklahoma Funeral Board, 3700 North Classen Blvd Suite 175, Oklahoma City, Oklahoma, on February 10, 2020 at 8:00AM. A copy of this agenda is available on the Funeral Board website at www.ok.gov/funeral

Vice President Highberger called the meeting to order at 10:00AM. Board Members Coble, Cooper, Highberger, Longanacre, and Roberts were present. Members Martin and Vice were absent. A quorum was at all times present.

Motion by Coble second by Highberger to approve the November 14, 2019 Regular Board meeting minutes. The motion passed unanimously.

Motion by Roberts second by Longanacre to table complaint 20-17 regarding Overcharging. The motion passed unanimously.

Motion by Longanacre second by Coble to dismiss complaint 20-22 regarding pre-need Contract Issues with recommendation to complainant to follow up with the Oklahoma Insurance Department. The motion passed unanimously.

Motion by Longanacre second by Cooper to find probable cause on complaint 20-23 regarding Less than five Caskets; no Prices; License not Displayed. The motion passed unanimously.

Motion by Longanacre second by Coble to dismiss with a Letter of Concern complaint 20-24 regarding Material Misrepresentation; Forgery; Insufficient Checks. The motion passed unanimously.

Motion by Cooper second by Highberger to find probable cause on complaint 20-27 regarding Overcharging. The motion passed unanimously.

Motion by Highberger second by Longanacre to dismiss complaint 20-28 regarding Missing Jewelry. The motion passed unanimously.

Motion by Coble second by Cooper to find probable cause on complaint 20-30 regarding Continuing Education violation. The motion passed unanimously.

Regarding Matters for consideration: Consent Orders. Complaint 20-13 Craig Owens, Ardmore, Licensed Funeral Director & Embalmer. Craig Owens was present and was not represented by an attorney. The prosecution was represented by Martha Kulmacz, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members Coble, Cooper, Highberger, and Longanacre heard the case. Member Roberts was recused from the case and he left the meeting room.

After presentation of the Consent Order by Martha Kulmacz, motion by Longanacre second by Coble to approve the Consent Order. The Consent Order consisted of the following: The agreed violations were: Unlicensed Practice; Material Misrepresentation; False and Misleading Advertising; Gross malpractice or gross incompetency; violation of the Funeral Service Licensing Act; and Rules of the Board. The terms consisted of the following: Restitution to two families of \$1,300.00 and \$900.00; Administrative penalty of \$1,500.00; 2 years' probation for Craig Owens Funeral Director License with monthly reporting required; 6 additional hours of Continuing Education for Craig Owens, 3 hours of which must be in person; costs of \$1,000.00. The Administrative Penalty and costs will be paid out at \$100.00 per month for 25 months, with the first payment due February 13, 2020. The motion passed unanimously.

Member Roberts returned to the room.

Motion by Longanacre second by Roberts to approve the following: Apprenticeship (Original) Tammy Marshall, Cordell, Ray & Martha's FH, Cordell; Stephen Smith, OKC,

Ford FS, Midwest City; and Amari Knuckles, Lawton, Howard-Harris FS, Lawton. The motion passed unanimously.

Motion by Longanacre second by Roberts to approve the following: Apprenticeship (1st extension) Dalton Dowdy, OKC Alpha & Omega and OK Cremation, OKC (enrolled at UCO). The motion passed unanimously.

Motion by Coble second by Roberts to table the following: Apprenticeship (1st extension) Ashley Oliver, Hugo Prater-Lampton-Mills & Coffey FH, Hugo (not enrolled in Mortuary College). The motion passed unanimously.

Motion by Longanacre second by Coble to approve the following: Apprenticeship (1st extension) Edward Eschiti, Walters, Comanche Nation FH, Lawton & Southern Plains Mortuary, Walters (enrolled at Dallas). The motion passed unanimously.

Motion by Coble second by Cooper to deny the following: Apprenticeship (1st extension) Kaley Tyson, Yukon, Vondel Smith FH, OKC (not enrolled in Mortuary College) The motion passed unanimously.

Motion by Longanacre second by Roberts to table the following: Apprenticeship (2nd extension) Rachel Fast, Mannford, Mannford FH, (not enrolled in Mortuary College) The motion passed unanimously.

Motion by Coble second by Cooper to approve the following: Apprenticeship (2nd extension) Katie Clanton, Edmond, Hahn Cook-Street & Draper, FH, OKC (enrolled at UCO). The motion passed unanimously.

Motion by Roberts second by Coble to table the following: Funeral Director and/or Embalmer (Reciprocal) Lisa Roberts, Arkansas (FD Only) & Christian Corl, Texas (FD only). The motion passed unanimously.

Motion by Longanacre second by Coble to approve the following: Funeral Director and/or Embalmer (Original) Gabrielle Gray, Ponca City. The motion passed unanimously.

Motion by Longanacre second by Cooper to table the following: Funeral Director and/or Embalmer (Original) Rubith Lujan, Edmond. The motion passed unanimously.

Motion by Coble second by Longanacre to approve the following: Funeral Director and/or Embalmer (Original) Kaleigh Eastwood, Hugo (FD only). The motion passed unanimously.

Motion by Longanacre second by Cooper to table the following: Funeral Director and/or Embalmer (Original) Candice Smith, Atoka & Alec Dyer, OKC (FD only). The motion passes unanimously.

Motion by Coble second by Longanacre to table the following: Establishments; Simplicity Natural Burial & Cremation Co., Tulsa, New Establishment, Schaudt's Glenpool Funeral Service, Inc. Owner; Jason Mayes, FDIC. The motion passed unanimously.

Motion by Coble second by Roberts to approve the following: Establishments; Kirk and Owens FH, Ardmore, request to close location; Kirk FH, Ardmore, New Establishment, Willie L. Kirk, Owner; Brandon Reid, FDIC; Parks Brothers FS, Prague request to change FDIC from Donald Tramel to Jerel Johnson; Parks Brothers FS, Stroud, request to change FDIC from Roger McElyea to Erin Bradley; Parks Brothers FS, Chandler, request to change FDIC from Roger McElyea to Mike McElyea; Foster-Petering FH, Muskogee, request to close location; Bradley Family Funeral & Cremation Service, Muskogee, request to change name from Bradley Family Funeral & Cremation Service to Bradley-Foster-Petering Funeral & Cremation Service; . Rose Hill Funeral Home, Tulsa request to change FDIC form Karyn Ezzell to Shane Borum; Advantage Funeral & Cremation Services, OKC request to change FDIC from John Davenport to Jeremy Sparks; Millsap FS, Webbers Falls, request to close location; Cooper FH, Tecumseh, request to close location; Cooper FH, LLC, Tecumseh, New Establishment, Cooper Funeral Home, LLC, Owner; J. Cooper, FDIC; Cooper Chapel-Wanette, Wanette, request to close location; Cooper FH, LLC, Wanette, New Establishment, Cooper Funeral Home, LLC, Owner; J. Cooper, FDIC; Guardian Funeral Homes West Chapel, OKC request to close location; Huckleberry FS, Idabel, request to close establishment; and Affordable Cremation Service-West, Elk City, New Establishment, Affordable, Inc., Owner; Christopher Whinery, FDIC. The motion passed unanimously.

Motion by Roberts seconds by Longanacre to approve the following: Crematories Parks Brothers Cremation Center of Oklahoma request to change FDIC from Donald Tramel to Jerel Johnson. The motion passed unanimously.

No New Business was discussed.

Regarding legal update; Possible vote to enter into executive session pursuant to 25 O.S. Section 307(B)(4) for confidential communication between the Funeral Board and its attorney concerning pending litigation in Wagoner County District Court, Case Number CV-2019-122, Oklahoma Funeral Board vs. Michael Hopkins, when with the advice of its attorney, the Funeral Board determines that disclosure would seriously impair the ability of the Funeral Board to process or conduct or defend its claim in the pending litigation

Motion by Roberts second Cooper to enter into executive session. The motion passed unanimously.

Motion Longanacre by second by Roberts to exit executive session. Only this case was discussed and no action was taken. The motion passed unanimously.

No action was taken as a result of the executive session.

Regarding the Oklahoma Funeral Director Association Update by a representative of OFDA. Gordon Welch reported the following:

OFDA Convention is only weeks away – Mike Nicodemus is hosting a full day certification workshop in Thackerville on April 19th. He will also be providing education at the convention Monday morning. Dr. Jason Troyer will be back this year providing 3 hours of CE regarding conflict in the arrangement room and social media – he was the highest ranked speaker last year.

Website – OFDA is in development of a new website that should be available in March. The new design includes an on-line registration for meetings.

OFDA is running three Bills. However, there are currently many Bills Affecting Funeral Service. They are:

HB4041 by Speaker McCall (OFDA BILL) Public health; requiring release of certain records and information to funeral directors and embalmers. This Bill will require nursing homes, VA, Hospitals and all other entities to inform the Funeral Home before pick-up if the decedent has any communicable disease. This is for the protection of funeral industry personnel. THIS BILL HAS PASSED COMMITTEE AND WILL BE VOTED ON.

HB3743 Sims An Act relating to vital records; amending 63 O.S. 2011, Section 1-324, which relates to certified copies of records; directing the State Commissioner of Health to contract with the Oklahoma Tax Commission; providing for issuance of certified death certificates at local tag agencies. Thus, allowing funeral homes to pick up Death Certificates at the Tag Agency. HEALTH DEPT DOES NOT SUPPORT THIS. Passed out of Committee AMENDED – to include an \$8 fee to Tag Agency.

HB3544 Ms. Townley Authorizing an advanced practice registered nurse to sign a death certificate. The OFDA will ask the committee to include a Nurse Practitioner as many people are seeing them as family Doctors. Passed out of Committee.

HB3358 Strom Janie's Gift Act; If donor makes an anatomical gift and does not have sufficient property or means to pay, and application can be made by surviving family member or responsible party and the State Department of Health will have a fund that will pay for funeral expenses. There will also be a check box on your IRS Tax Forms where you can make a donation to help fund Janie's Gift Fund. Second reading to Public Health.

SB1893 Sen Bice & Miller An Act relating to infant mortality (sudden unexplained infant death investigation); requiring ME's office to examine within 48 hours. Passed out of Committee and Referred to Appropriations.

SB1238 Young-An Act relating to maternal mortality; this deals with the death of a woman while pregnant or within 42 days after the end of pregnancy. This Bill requires a special place on Death Certificate and notice to Health Dept. Referred to Health and Human Svc.

SB447 by Mr. Newhouse . The State of Oklahoma shall establish a program to provide assistance for the funeral expenses of all members of the National Guard, police, state troopers, firefighters and first responders who have died in the line of duty while under state orders. The program shall provide a grant for funeral expenses for any person who qualifies as determined by the Oklahoma Homeland Security Director. Maximum

reimbursement shall not exceed Ten Thousand Dollars (\$10,000.00). Referred to Appropriations (House Author).

SB 1311 Pederson-An Act relating to cemeteries; providing for method of burial space reversion; providing certain guidelines for notification process; providing certain remedy for certain claims. This Bill will allow cemetery owners to retain a cemetery plot if not used within 75 years. If a family member (in the 76th year of ownership) comes to use the property they will be given a plot near the same area if possible. Sent to Judiciary. SB1839 Ms. Hicks-Department of Human Services is authorized to make the necessary funeral arrangements and pay any reasonable burial expenses incurred upon the death of a child with intellectual disability who is either in the custody of the Department or is a resident of an institution under the jurisdiction of the Department. This is a verbiage change only. Second Reading Do Pass Sent to HHS and Appropriations.

HB 2830 by Rep.Gann-Sunset; Oklahoma Funeral Board; re-creating the Board; modifying termination date. The Funeral Board is "sunset" every 6 years and this is the 6th year. This Bill is required to keep the Funeral Board Operating. Do Pass Amended to 1 Year.

HB1254 McBride- Funeral Board Reform Act. This Bill would supersede HB2830 and would end the Funeral Board.Referred to Rules.

The OFDA has three additional Bills which will require daily attention. Earlier in the year the Insurance Commissioner approved a limited lines license for pre-need sales. The Commissioner's Chief of Staff and legal counsel both resigned. This left a gap and this Bill did not get moved forward.

HB1710 will change the waiting period for a death certificate for a death without a body present from 7 years to 2 years with required information entered into the National Database. Speaker of the House Charles McCall has been of significant help on this Bill.

The OFDA is tracking a few Bills the Governor has requested to form one large board that would represent a number of Boards including the Funeral Board. It is uncertain that this would be a positive move for the funeral industry. The OFDA will keep everyone updated and advise when it needs assistance from its members.

Regarding the Executive Director's Report- Agency Financial update Mr. Ferguson reported gross receipts for January 2020 to be \$121,525.50 with \$10,164.55 going to the State of Oklahoma general fund. The expenses for the same timeframe totaled \$33,219.94, resulting in net income after expenses of \$78,141.01.

Regarding the OMES Computer project update-The staff has been working with OMES and anticipates signing a contract with them soon.

Regarding the 2020 Legislative Report-HB1254; HB2830; HB4041; HB3544;
and HB3743, these Bills were covered in the OFDA report.

Motion by Longanacre second by Coble to adjournment the meeting at 10:56AM. The
motion passes unanimously.

Joe Highberger
Vice President
Oklahoma Funeral Board